

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHAEL MCCARTHY, *et al.*,

Plaintiffs,

v.

CHARLES D. BAKER, *et al.*,

Defendants.

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) CIVIL ACTION NO.
) 1:20-cv-10701-DPW
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**STIPULATION AS TO THE ROLE OF
THE DEFENDANT POLICE CHIEFS**

WHEREAS, the Amended Complaint challenges two Orders of Defendant Governor Baker—COVID-19 Order No. 13 and COVID-19 Order No. 21—that require “[a]ll businesses and other organizations that do not provide COVID-19 Essential Services,” as defined by Exhibit A to the Orders, to “close their physical workplaces and facilities . . . to workers, customers, and the public” until May 4, 2020; and

WHEREAS, licensed retailers of firearms, shotguns, and rifles are not listed on Exhibit A to the Orders as providing Essential Services; and

WHEREAS, the Plaintiffs have asserted claims against the chief law enforcement officers of Barnstable, Fall River, Westport, and Woburn, Massachusetts (the “Defendant Police Chiefs”), based on actions that they have taken and/or threaten to take to carry out or enforce those Orders;

NOW THEREFORE, the Plaintiffs and the Commonwealth Defendants (Governor Baker, Commissioner Bharel and Commissioner Gagnon) stipulate and agree that COVID-19 Order No. 13 and COVID-19 Order No. 21 require the closure of licensed retailers of firearms in the

Commonwealth of Massachusetts until May 4, 2020, and further, that this conclusion does not depend on any interpretation of the Orders by the Defendant Police Chiefs.

Dated: April 26, 2020

THE PLAINTIFFS,
By their attorneys,

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